

Message Text

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73

ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 L-03 TRSE-00 /023 W

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R 011505Z MAR 76

FM AMEMBASSY BRUSSELS

TO SECSTATE WASHDC 6212

UNCLAS BRUSSELS 2058

E.O. 11652: N/A

TAGS: ESTC, BE

SUBJECT: PREPARATION OF 28TH BATTLE ACT REPORT (1975)

REF: BRUSSELS 1965, STATE A-65

1. SUBSEQUENT TO TRANSMISSION REFTEL, EMBASSY RECEIVED FONOFF LETTER CONTAINING FURTHER INFORMATION CONCERNING PENALTIES FOR VIOLATION OF TRADE CONTROLS IN BELGIUM INFORMAL EMBASSY TRANSLATION OF RELEVANT PORTION OF LETTER FOLLOWS:

BEGIN TEXT. AS REGARDS PENALTIES PROVIDED FOR THE VIOLATION OF (COCOM) CONTROLS, THE LEGAL BASIS FOR THE REGULATION OF FOREIGN TRADE IN BELGIUM IS CONTAINED IN THE LAW OF SEPTEMBER 11, 1962, RELATIVE TO THE IMPORTATION, EXPORTATION AND TRANSIT OF GOODS.

THE SCOPE OF THIS LAW ALSO COVERS THE REGULATION ELABORATED BY COCOM BEARING ON THE CONTROL OF STRATEGIC GOODS.

ARTICLE 10 OF THE ABOVE-MENTIONED LAW STIPULATES THAT INFRACTIONS AND ATTEMPTED INFRACTIONS OF THE PROVISIONS OF THE LAW ARE PUNISHED IN CONFORMANCE WITH CUSTOMS LAW.

THIS STATES THAT THE IMPORTATION, EXPORTATION AND TRANSIT OF GOODS SUBJECT TO LICENSE, UNDECLARED OR DECLARED WITH THE SUPPORT OF FALSE LICENSES OR LICENSES OBTAINED IN A FRAUDULENT MANNER, ARE PUNISHED BY IMPRISONMENT OF FROM FOUR MONTHS TO ONE YEAR, A FINE OF TWICE THE VALUE OF THE GOODS, AND THE CONFISCATION OF THESE GOODS AND THE MEANS OF TRANSPORT USED. THESE PENALTIES ARE INCREASED FOR REPEAT OFFENDERS.

ALL USE CONTRARY TO THE CONDITIONS OF USE OR VALIDITY

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OF THE LICENSES IS PUNISHED BY A FINE EQUAL TO THE VALUE OF

THE GOODS AND BY CONFISCATION OF THE GOODS.

PLEASE NOTE THAT INCLUDED IN THE ATTEMPTED VIOLATIONS NOTED ABOVE IS ANY SHIPMENT OR DETENTION OF GOODS WHICH HAS MANIFESTLY AS ITS GOAL THE CARRYING OUT OF AN IMPORTATION, EXPORTATION OR TRANSIT, TO BE EFFECTED UNDER CONDITIONS CONTRARY TO THE PROVISIONS OF THE LAW OF SEPTEMBER 11, 1962.

ASIDE FROM PENALTIES TAKEN ON THE BASIS OF CUSTOMS LAW, PENALTIES CAN ALSO BE APPLIED WHEN PARTICULAR LAWS ARE VIOLATED. THIS IS NOTABLY THE CASE IN MATTERS OF FORGERY AND USE OF FORGERY.

INDEPENDENT OF PENAL MEASURES, ADMINISTRATIVE MEASURES ARE ALSO TAKEN.

THE ROYAL DECREE OF OCTOBER 24, 1962, REGULATING THE IMPORTATION, EXPORTATION AND TRANSIT OF GOODS, STATES IN ARTICLE 5 THAT THE FOLLOWING ARE INVALID:

- (1) LICENSES OBTAINED AS A RESULT OF REQUESTS CONTAINING INCORRECT OR INTENTIONALLY INCOMPLETE DECLARATIONS;
- (2) LICENSES USED TO COVER OPERATIONS OTHER THAN THOSE FOR WHICH THE LICENSES WERE ISSUED;
- (3) LICENSES FOR WHICH THE CONDITIONS FIXED AT THE TIME OF ISSUANCE ARE NOT RESPECTED BY THEIR HOLDERS. END TEXT.

2. COPY OF FONOFF LETTER BEING POUCHED DEPARTMENT (EB/ITP/EWT).RENNER

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Message Attributes

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Disposition Authority: n/a
Disposition Case Number: n/a
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Disposition Event:
Disposition History: n/a
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